

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #12	CCRB Case #: 201908076	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/11/2019 2:37 PM	Location of Incident: § 87(2)(b)	Precinct: 107	18 Mo. SOL 3/11/2021	EO SOL 10/26/2021	
Date/Time CV Reported Thu, 09/12/2019 3:09 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/12/2019 3:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Michael Greaney	07490	947762	DBQS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Michael Greaney	Abuse: Detective Michael Greaney stopped § 87(2)(b)	
B.DT3 Michael Greaney	Abuse: Detective Michael Greaney stopped § 87(2)(b)	
C.DT3 Michael Greaney	Discourtesy: Detective Michael Greaney spoke discourteously to § 87(2)(b)	
D.DT3 Michael Greaney	Force: Detective Michael Greaney pointed his gun at § 87(2)(b)	
E.DT3 Michael Greaney	Abuse: Detective Michael Greaney threatened § 87(2)(b) with the use of force.	
F.DT3 Michael Greaney	Abuse: Detective Michael Greaney threatened § 87(2)(b) with the use of force.	
G.DT3 Michael Greaney	Discourtesy: Detective Michael Greaney spoke discourteously to § 87(2)(b)	
H.DT3 Michael Greaney	Abuse: Detective Michael Greaney frisked § 87(2)(b)	
I.DT3 Michael Greaney	Abuse: Detective Michael Greaney searched § 87(2)(b)	
J.DT3 Michael Greaney	Abuse: Detective Michael Greaney frisked § 87(2)(b) § 87(2)(b)	
K.DT3 Michael Greaney	Abuse: Detective Michael Greaney searched § 87(2)(b) § 87(2)(b)	

Case Summary

On September 12, 2019, § 87(2)(b) called the CCRB to file this complaint on behalf of her § 87(2)(b) year-old son, § 87(2)(b) and his § 87(2)(b) friend, § 87(2)(b) did not witness the incident. On September 12, 2019, § 87(2)(b)'s mother, § 87(2)(b) filed a duplicate of this complaint via the Internal Affairs Bureau, which was received at the CCRB on September 24, 2019. § 87(2)(b) did not witness this incident.

On September 11, 2019, at approximately 2:37 p.m., Det. Michael Greaney of Detective Borough Queens South responded to 911 calls reporting an assault occurring in the vicinity of Parsons Boulevard and Kissena Boulevard in Queens. Det. Greaney traveled to § 87(2)(b), where he encountered § 87(2)(b) and § 87(2)(b). Det. Greaney exited his vehicle and instructed § 87(2)(b) and § 87(2)(b) to stop (**Allegation A -Abuse of Authority: Stop,** § 87(2)(g) (**Allegation B -Abuse of Authority: Stop,** § 87(2)(g) Det. Greaney allegedly told § 87(2)(b) “Don’t fucking move” (**Allegation C -Discourtesy: Word,** § 87(2)(g) Det. Greaney pointed his gun at § 87(2)(b) (**Allegation D -Force: Gun pointed,** § 87(2)(g) allegedly saying, “If you run, I’ll put one in you” (**Allegation E -Abuse of Authority: Threat of force,** § 87(2)(g)

§ 87(2)(b) moved against a nearby wall, and Det. Greaney allegedly said, “I’ll slam your head into this wall” and “I’m not one of these stupid ass police officers with blue on” (**Allegation F -Abuse of Authority: Threat of force,** § 87(2)(g) (**Allegation G – Discourtesy: Word,** § 87(2)(g) Det. Greaney frisked § 87(2)(b) (**Allegation H -Abuse of Authority: Frisk,** § 87(2)(g) and searched his backpack (**Allegation I -Abuse of Authority: Search,** § 87(2)(g) and then frisked § 87(2)(b) (**Allegation J -Abuse of Authority: Frisk,** § 87(2)(g) and searched his backpack (**Allegation K -Abuse of Authority: Search,** § 87(2)(g) Neither § 87(2)(b) nor § 87(2)(b) was arrested as a result of this incident.

Video footage obtained in this case was recorded by surveillance cameras outside § 87(2)(b) and provided to the CCRB by § 87(2)(b), the building superintendent (Board Review 01), and its contents were summarized (Board Review 02). No Body-Worn Camera (BWC) footage was obtained in this case, and Det. Greaney was not assigned a BWC at the time of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Michael Greaney stopped § 87(2)(b)

It is undisputed that on September 11, 2019, at approximately 2:37 p.m., Det. Greaney stopped § 87(2)(b) and § 87(2)(b) § 87(2)(b) in front of § 87(2)(b) in Queens.

In his testimony to the CCRB, § 87(2)(b) § 87(2)(b) stated (Board Review 03) that he walked towards a Walgreens pharmacy at 7321 Kissena Boulevard. On this date he was wearing grey sweatpants with a white stripe on their sides, black sneakers, and a black shirt. As walked, he saw a crowd of more than ten students gathered in the vicinity of a bus stop. Members of the crowd engaged in a physical altercation, and an unidentified male in the crowd struck an unidentified female. § 87(2)(b) who wore black jeans and a black tank top, ran towards the crowd. § 87(2)(b) carried a white backpack, the contents of which § 87(2)(b) § 87(2)(b) was unaware. § 87(2)(b) § 87(2)(b) did not know the contents of § 87(2)(b)'s pockets, did not know whether he carried a weapon, did not see anything attached to his pants waistband, and did not take note of the appearance of his pants pockets. § 87(2)(b) § 87(2)(b) did not see what § 87(2)(b) did after arriving at the crowd’s location.

An unidentified male § 87(2)(b) § 87(2)(b) recognized to be a teacher from his school approached the

crowd in what § 87(2)(b) § 87(2)(b) thought was an attempt to “break up” the altercation. All of the members of the crowd, including § 87(2)(b) ran away from this male teacher. The teacher left the location, and the crowd “continued” the altercation. After this, all of the members of the crowd ran away from the bus stop. § 87(2)(b) walked on the sidewalk of Parsons Boulevard, and § 87(2)(b) joined and walked with him. § 87(2)(b) § 87(2)(b) asked § 87(2)(b) if he was “good,” which § 87(2)(b) affirmed, explaining that because a male had struck a female in the altercation, he “had to jump in.” § 87(2)(b) § 87(2)(b) and § 87(2)(b) walked to § 87(2)(b), where Det. Greaney stopped them.

Although § 87(2)(b) initially provided the CCRB with permission to obtain a statement from § 87(2)(b) subsequent contact attempts to schedule the statement were unsuccessful.

In his testimony to the CCRB on October 30, 2019, Det. Greaney stated (Board Review 04) that he was in his vehicle in a Walgreens pharmacy parking lot in the vicinity of Kissena Boulevard and Parsons Boulevard when he heard on his radio a report of an assault involving rocks being thrown and weapons, the nature of which he did not recall, being present. No weapons other than rocks were referenced. A physical description was provided of a black male wearing a burgundy shirt and black jeans; Det. Greaney was not aware of any other elements within this description. Det. Greaney was not provided with any additional information about the complaint by other officers.

The location provided on the radio was where Det. Greaney was. Approximately thirty feet from him, Det. Greaney saw a crowd of more than twenty individuals he thought to be high school students, and the crowd was engaged in “activity” consisting of them being gathered together and yelling, the content of which Det. Greaney could not hear. Two of the crowd’s members were § 87(2)(b) who wore a burgundy shirt and black pants, and § 87(2)(b) § 87(2)(b) looked “agitated.” Det. Greaney did not see any members of the crowd throw rocks and did not see anything occur in the crowd that suggested to him that any of its members might be in possession of a weapon. Marked NYPD vehicles were in the vicinity; Det. Greaney did not interact with any officers from these vehicles, was not familiar with any of them, and did not see anything any of them did related to the crowd. Det. Greaney did not see anything else happening in the crowd.

Less than one minute after Det. Greaney saw the crowd, on Kissena Boulevard, § 87(2)(b) removed his burgundy shirt, placed it inside a backpack, and walked across the street and talked to § 87(2)(b) and § 87(2)(b) walked behind the Walgreens on Parsons Boulevard. Det. Greaney entered his vehicle and lost sight of § 87(2)(b) and § 87(2)(b) for less than one minute. Det. Greaney thought that during this period, § 87(2)(b) and § 87(2)(b) were attempting to separate from the crowd and the scene of a crime. Due to his period of not seeing the two, Det. Greaney thought it possible that they may have transferred a weapon between each other. Det. Greaney moved approximately half a block on Parsons Boulevard to where § 87(2)(b) and § 87(2)(b) had been walking. Det. Greaney saw them walking, approximately three feet away from each other, at a “quick pace” away from where the assault had been reported, and he did not notice any other civilians in the area. Other than § 87(2)(b) s having removed his shirt, neither § 87(2)(b) s nor § 87(2)(b) s appearance had changed since when Det. Greaney had last seen them.

Det. Greaney exited his vehicle and said, “Police. Stop.” Det. Greaney issued this instruction because he had seen § 87(2)(b) § 87(2)(b) and § 87(2)(b) leaving the location of a reported crime, because § 87(2)(b) s appearance was consistent with the description provided in the radio run, because § 87(2)(b) removed his shirt, and for no other reason. Det. Greaney stopped both § 87(2)(b) and § 87(2)(b) for these identical reasons.

Det. Greaney made an entry on a fly sheet in his memo book, noting the incident location, the Event number, and the names and dates of birth of § 87(2)(b) and § 87(2)(b). The entry did not note anything else. Det. Greaney prepared Stop, Question, and Frisk Report number § 87(2)(b) in relation to his stopping § 87(2)(b).

The Event Information for Event § 87(2)(b) (Board Review 06) contains the contents of multiple 911 calls regarding an assault in progress. The call remarks between the initial call at 2:36 p.m. and 2:42 p.m. state that a group of children “jumped” and threw rocks at an approximately fifteen- to sixteen-year-old Hispanic male wearing a pink shirt and grey shorts. The victim ran from the location and hid, and the group of approximately 60 males and females aged between fifteen and eighteen walked on 75th Avenue away from Kissena Boulevard. Members of this group were identified as a black female with braids and wearing a striped shirt and green shorts; and a black male wearing a burgundy shirt, black jeans, and black and burgundy sneakers. A caller stated at 2:44 p.m. that these individuals were perpetrators. A caller stated approximately one minute later that some members of the group had knives.

In the surveillance footage obtained during this investigation (Board Review 01), which was recorded in color, the entirety of Det. Greaney’s frisk and search of both § 87(2)(b) and § 87(2)(b) are depicted. During his search of § 87(2)(b)’s backpack, Det. Greaney removes and drops an item, seemingly an article of clothing, to the ground. At the 10m50s mark, after the conclusion of these actions, § 87(2)(b) retrieves a shirt from where Det. Greaney dropped this item on the ground and puts it on above his dark-colored tank top. The shirt he puts on is dark red.

§ 87(2)(g)

An officer may stop an individual when reasonably suspecting that the individual has committed or is committing a crime. People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 07).

§ 87(2)(g)

Allegation (B) Abuse of Authority: Detective Michael Greaney stopped § 87(2)(b)

During a second CCRB interview on March 3, 2020 (Board Review 05), Det. Greaney was presented with Stop, Question, and Frisk Report number § 87(2)(b) (Board Review 19), which he prepared for § 87(2)(b). This report was finalized over one month after the incident and two days prior to the time of Det. Greaney’s first CCRB interview, during which he had made statements related to the statement’s contents. Det. Greaney’s attention was directed to two quotations noted in the narrative: “Let’s go. The boys are coming” and, “I was about to cut one of them.” Det. Greaney stated that when he stood near the Walgreens, he heard § 87(2)(b) say, “I was gonna cut one of them.” Det. Greaney was approximately ten to twenty feet from § 87(2)(b).

§ 87(2)(b) when he heard this. Det. Greaney did not attempt to stop § 87(2)(b) § 87(2)(b) or anyone else at this time. When asked why he did not do so, Det. Greaney stated, “I just didn’t. I don’t know.”

An officer may stop an individual when reasonably suspecting that the individual has committed or is committing a crime. People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 07). In People v. Ballejo, 495 N.Y.S.2d 75 (1985) (Board Review 08), a judge found that an inference of guilt by association, without more, was impermissible when an individual was considered a suspect of a crime due to his proximity to another who had been seen hiding a cocaine-filled pouch and the two subsequently walked away together.

§ 87(2)(g)
[REDACTED]

[REDACTED]

Allegation (C) Discourtesy: Detective Michael Greaney spoke discourteously to § 87(2)(b)
§ 87(2)(b) stated that after Det. Greaney stopped him and § 87(2)(b) he looked at § 87(2)(b) and said, “Don’t fucking move.” Det. Greaney denied saying this or using any profanity whatsoever in his initial commands to § 87(2)(b)

§ 87(2)(g)
[REDACTED]

Allegation (D) Force: Detective Michael Greaney pointed his gun at § 87(2)(b)
It is undisputed that Det. Greaney pointed his gun at § 87(2)(b)

§ 87(2)(b) stated that after Det. Greaney told § 87(2)(b) “Don’t fucking move,” § 87(2)(b) stopped, took no additional steps, and his body position appeared, to § 87(2)(b) as if he was about to run. Det. Greaney drew his firearm and pointed it at § 87(2)(b)

Det. Greaney stated that after he first instructed § 87(2)(b) § 87(2)(b) and § 87(2)(b) to stop, § 87(2)(b) began running away from Det. Greaney. § 87(2)(b) § 87(2)(b) did not run. Det. Greaney, who was alone and had no other weapons on his person, drew his gun, pointed it towards § 87(2)(b) and said, “Police. Don’t move. Stop.” Det. Greaney pointed his gun towards § 87(2)(b) because his observations led him to suspect that § 87(2)(b) had committed a violent crime and was possibly armed with a knife or other weapon. Det. Greaney also pointed his gun towards § 87(2)(b) “for his safety.” When asked to articulate elements of the interaction that seemed unsafe to Det. Greaney, he stated that this included the possibility that § 87(2)(b) was armed with a knife

or other weapon and nothing else.

An officer may draw or display a firearm based on an articulable belief that the potential for serious physical injury is present. NYPD Patrol Guide, Section 221-01 (Board Review 09).

§ 87(2)(g)

Allegation (E) Abuse of Authority: Detective Michael Greaney threatened § 87(2)(b) with the use of force.

§ 87(2)(b) § 87(2)(b) stated that as Det. Greaney pointed his gun at § 87(2)(b) he told him, “If you run, I’ll put one in you,” which § 87(2)(b) thought to be a threat to shoot § 87(2)(b) if he fled. Det. Greaney denied making such a statement or otherwise using language referencing the possibility of shooting § 87(2)(b) including the phrase “put one in you.”

§ 87(2)(g)

Allegation (F) Abuse of Authority: Detective Michael Greaney threatened § 87(2)(b) with the use of force.

Allegation (G) Discourtesy: Detective Michael Greaney spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that prior to Det. Greaney frisking § 87(2)(b) Det. Greaney instructed both him and § 87(2)(b) to move against a nearby wall, and they complied. Det. Greaney requested § 87(2)(b) s name, and he did not respond. Det. Greaney placed both of his hands on § 87(2)(b) s shoulders, with one of his forearms held against the back of his head. Det. Greaney said, “I will bash your head into this wall.” After this, he told § 87(2)(b) “I’m not one of these stupid ass police officers with blue on.”

Det. Greaney stated that when he requested § 87(2)(b) s name, § 87(2)(b) did not initially provide it. During this time, Det. Greaney did not tell § 87(2)(b) anything to the effect of, “I’ll bash your head into this wall.” He also did not say anything to the effect of, “I’m not one of these stupid ass police officers with blue on.”

§ 87(2)(g)

Allegation (H) Abuse of Authority: Detective Michael Greaney frisked § 87(2)(b)

Allegation (I) Abuse of Authority: Detective Michael Greaney searched § 87(2)(b)

It is undisputed statements and available video footage that Det. Greaney frisked § 87(2)(b) and searched his backpack. Det. Greaney stated that he took these actions for the same reasons that he

cited for stopping § 87(2)(b) because he had seen § 87(2)(b) and § 87(2)(b) leaving the location of a reported crime, because § 87(2)(b)'s appearance was consistent with the description provided in the radio run, because § 87(2)(b) removed his shirt, and for no other reason. Det. Greaney did not observe anything on § 87(2)(b)'s person that suggested to him that he might possess a weapon.

During his interview Det. Greaney was presented with Stop, Question, and Frisk Report number § 87(2)(g) (Board Review 19), which he prepared for § 87(2)(b). When directed to the basis for search being "hard object resembling weapon," Det. Greaney stated that he did not recall to what this referred and did not recall feeling anything on § 87(2)(b)'s person that he thought to be a weapon.

An officer may frisk an individual when reasonably suspecting that the individual may be armed and present a risk of harm to the officer. People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 07).

§ 87(2)(g)
[REDACTED]

[REDACTED]

Allegation (J) Abuse of Authority: Detective Michael Greaney frisked § 87(2)(b)

Allegation (K) Abuse of Authority: Detective Michael Greaney searched § 87(2)(b)

It is undisputed that Det. Greaney frisked § 87(2)(b) and searched his backpack.

Det. Greaney stated that he frisked him and searched § 87(2)(b)'s backpack for the same reasons that he took the same actions against § 87(2)(b). Det. Greaney did not observe anything on § 87(2)(b)'s person that suggested to him that he might possess a weapon.

When directed, in his second CCRB interview, to the Stop, Question, and Frisk report he prepared and the basis for search being "hard object resembling weapon," Det. Greaney stated that he did not recall seeing or feeling anything on § 87(2)(b)'s person that he thought to be a weapon.

An officer may frisk an individual when reasonably suspecting that the individual may be armed and present a risk of harm to the officer. People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 07).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one CCRB complaint and has not been named as a victim in any allegations (Board Review 10).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 11).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 12).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 13).
- Det. Greaney has been a member-of-service for eleven years and has been a subject in fourteen CCRB cases and thirty-eight allegations, of which six were substantiated:
 - 201017328 involved substantiated allegations of frisk and search (of person) against Det. Greaney. The Board recommended Charges, and the NYPD imposed Instructions.
 - 201207978 involved a substantiated allegation of physical force against Det. Greaney. The Board recommended Charges, and the NYPD imposed Forfeiture of five vacation days.
 - 201507726 involved substantiated allegations of premises entered and/or searched and property damaged against Det. Greaney. The Board recommended Charges, and the NYPD imposed No Penalty.
 - 201508062 involved a substantiated allegation of premises entered and/or searched against Det. Greaney. The Board recommended Command Discipline B, and the NYPD has not yet imposed discipline.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 24, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 14).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 12

Investigator: Chris Anderson SI Chris Anderson 06/18/2020
Signature Print Title & Name Date

Squad Leader: IM Carlmais Johnson IM Carlmais Johnson June 18, 2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date